

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

MILDENZEL MALCOLM DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:14-cv-0722-TLW
)	
DIRECTOR KENNY BOOME; MAJ.)	
NORRIS; CPT. BRUNSON; and LT.)	
BROWNE,)	
)	
Defendants.)	
)	

ORDER

Plaintiff Mildenzel Malcolm Davis, proceeding pro se and in forma pauperis, brought this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights by employees of the Florence County Detention Center. (Doc. #1). Plaintiff also filed a Motion for a Temporary Restraining Order (“TRO”), seeking injunctive relief against Defendants. (Doc. #10). This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the case without prejudice and without issuance and service of process and deny the motion for a TRO as moot. (Doc. #18). Objections to the Report were due on May 12, 2014. Plaintiff filed no objections.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate

Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

The Court has carefully reviewed the Report in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #18). For the reasons articulated by the Magistrate Judge, this case is **DISMISSED** without prejudice and without issuance and service of process. Plaintiff's Motion for a Temporary Restraining Order is **DENIED** as moot. (Doc. #10).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

October 1, 2014
Columbia, South Carolina